

HOUSE BILL NO. 738

INTRODUCED BY K. SEEKINS-CROWE

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO THE PROCEDURE FOR COUNTY ZONING BOUNDARY AND REGULATION CHANGES; REQUIRING NOTICE BY MAIL OF PUBLIC HEARINGS FOR ZONING BOUNDARY AND REGULATION CHANGES; AMENDING SECTION 76-2-205, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Procedure for adoption of regulations and boundaries. The board of county commissioners shall observe the following procedures in the establishment or revision of boundaries for zoning districts and in the adoption or amendment of zoning regulations, including but not limited to the adoption of development districts under 76-2-106 or the termination of zoning districts under 76-2-118:

(1) Notice of a public hearing on the proposed zoning district boundaries and of regulations for the zoning district must:

(a) state the following:

(i) the boundaries of the existing or proposed district;

(ii) the general character of the proposed zoning regulations;

(iii) the date, time, and place of the public hearing;

(iv) the name, address, and telephone number of the person or office that may be contacted for further information on the action to be taken;

(v) that the proposed zoning regulations are on file for public inspection at the office of the county clerk and recorder and are posted on the county's website; and

(vi) the county's website address where the proposed zoning regulations are available for public inspection;

(b) be posted not less than 45 days before the public hearing in at least five public places,

Amendment - 1st Reading/2nd House-blue - Requested by: Kerri Seekins-Crowe - (S) Local Government

- 2025

69th Legislature 2025

Drafter: Maddie Krezowski,

HB0738.001.001

including but not limited to public buildings and adjacent to public rights-of-way, within the proposed district;

(c) be published once a week for 2 weeks in a newspaper of general circulation within the county;

and

(d) be mailed to all ~~residents~~ property owners of record within the zoning district or subdistrict

whose addresses are known to the county not less than 15 days and not more than 45 days prior to the public hearing through any of the following methods:

(i) depositing the notice, properly addressed, in the United States mail with postage paid at the first-class rate;

(ii) sending the notice by certified mail rather than first class;

(iii) mailing the notice at the bulk rate; or

(iv) mailing a postcard.

(2) At the public hearing, the board of county commissioners shall give the public an opportunity to be heard regarding the proposed zoning district and regulations.

(3) After the public hearing, the board of county commissioners shall review the proposals of the planning board and make any revisions or amendments that it determines to be proper.

(4) The board of county commissioners may pass a resolution of intention to create a zoning district and to adopt zoning regulations for the district.

(5) The board of county commissioners shall publish public notice of passage of the resolution of intention once a week for 2 weeks in a newspaper of general circulation within the county. The notice must state:

(a) the boundaries of the existing or proposed district;

(b) the general character of the proposed zoning regulations;

(c) that the proposed zoning regulations are on file for public inspection at the office of the county clerk and recorder and are posted on the county's website;

(d) the county's website address where the proposed zoning regulations are available for public inspection; and

(e) that for 30 days after first publication of this notice, the board of county commissioners will

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HB0738.001.001

1 receive written comments on the creation of the zoning district or to the zoning regulations from persons owning
2 real property within the district whose names appear on the most recently completed assessment roll of the
3 county.

4 (6) Within 30 days after the expiration of the comment period, the board of county commissioners
5 may in its discretion adopt the resolution creating the zoning district or establishing the zoning regulations for
6 the district.

7
8 **Section 2.** Section 76-2-205, MCA, is amended to read:

9 **"76-2-205. Procedure for adoption of regulations and boundaries.** The board of county
10 commissioners shall observe the following procedures in the establishment or revision of boundaries for zoning
11 districts and in the adoption or amendment of zoning regulations, including but not limited to in the termination
12 of zoning districts under 76-2-229:

13 (1) Notice of a public hearing on the proposed zoning district boundaries and of regulations for the
14 zoning district must:

15 (a) state the following:

16 (i) the boundaries of the existing or proposed district;

17 (ii) the general character of the proposed zoning regulations;

18 (iii) the date, time, and place of the public hearing;

19 (iv) the name, address, and telephone number of the person or office that may be contacted for
20 further information on the action to be taken;

21 ~~(iv)~~(v) that the proposed zoning regulations are on file for public inspection at the office of the county
22 clerk and recorder and are posted on the county's website; and

23 (vi) the county's website address where the proposed zoning regulations are available for public
24 inspection;

25 (b) be posted not less than 45 days before the public hearing in at least five public places,
26 including but not limited to public buildings and adjacent to public rights-of-way, within the proposed district; ~~and~~

27 (c) be published once a week for 2 weeks in a newspaper of general circulation within the county;

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1 and

2 (d) be mailed to all ~~residents~~ property owners of record within the zoning district or zoning

3 subdistrict whose addresses are known to the county not less than 15 days and not more than 45 days prior to

4 the public hearing through any of the following methods:

5 (i) depositing the notice, properly addressed, in the United States mail with postage paid at the

6 first-class rate;

7 (ii) sending the notice by certified mail rather than first class;

8 (iii) mailing the notice at the bulk rate; or

9 (iv) mailing a postcard.

10 (2) At the public hearing, the board of county commissioners shall give the public an opportunity to
11 be heard regarding the proposed zoning district and regulations.

12 (3) After the public hearing, the board of county commissioners shall review the proposals of the
13 planning board and shall make any revisions or amendments that it determines to be proper.

14 (4) The board of county commissioners may pass a resolution of intention to create a zoning
15 district and to adopt zoning regulations for the district.

16 (5) The board of county commissioners shall publish notice of passage of the resolution of
17 intention once a week for 2 weeks in a newspaper of general circulation within the county. The notice must
18 state:

19 (a) the boundaries of the existing or proposed district;

20 (b) the general character of the proposed zoning regulations;

21 (c) that the proposed zoning regulations are on file for public inspection at the office of the county
22 clerk and recorder and are posted on the county's website;

23 (d) the county's website address where the proposed zoning regulations are available for public
24 inspection; and

25 ~~(d)~~(e) that for 30 days after first publication of this notice, the board of county commissioners will
26 receive written comments on the creation of the zoning district or to the zoning regulations from persons owning
27 real property within the district whose names appear on the ~~last-completed~~ most recently completed

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1 assessment roll of the county.

2 (6) Within 30 days after the expiration of the comment period, the board of county commissioners
3 may in its discretion adopt the resolution creating the zoning district or establishing the zoning regulations for
4 the district."

5
6 NEW SECTION. **Section 3. Codification instruction.** [Section 1] is intended to be codified as an
7 integral part of Title 76, chapter 2, part 1, and the provisions of Title 76, chapter 2, part 1, apply to [section 1].

8
9 NEW SECTION. **Section 4. Effective date.** [This act] is effective on passage and approval.

10 - END -